

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-THIRD LEGISLATURE

TWENTY-NINTH LEGISLATIVE DAY
MONDAY, FEBRUARY 9, 2015

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Cameron, absent and excused.

Prayer was offered by Chaplain Brent Adamson.

The Pledge of Allegiance was led by Cameron Floyd, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 6, 2015, was read and approved as corrected.

HAGEDORN, Vice-Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 9, 2015

The JUDICIARY AND RULES Committee reports that [S 1046](#), [S 1047](#), [S 1048](#), [S 1049](#), and [S 1050](#) have been correctly printed.

HAGEDORN, Vice-Chairman

[S 1046](#) and [S 1047](#) were referred to the Commerce and Human Resources Committee.

[S 1048](#) and [S 1049](#) were referred to the State Affairs Committee.

[S 1050](#) was referred to the Education Committee.

February 6, 2015

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Sharon Harrigfeld as the Director of the Department of Juvenile Corrections, term to expire January 7, 2019.

HAGEDORN, Vice-Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 6, 2015

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Michael Gibson to the Commission for the Blind and Visually Impaired, term to expire July 1, 2017.

Travis Beck to the Commission for the Blind and Visually Impaired, term to expire July 1, 2016.

HEIDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 6, 2015

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Charles Cuddy to the Idaho Water Resource Board, term to expire January 1, 2019.

Dale Van Stone to the Idaho Water Resource Board, term to expire January 1, 2019.

Jeffery Raybould to the Idaho Water Resource Board, term to expire January 1, 2019.

Peter Van Der Meulen to the Idaho Water Resource Board, term to expire January 1, 2019.

BAIR, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senator Cameron was recorded present at this order of business.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 5, 2015

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Curt Fransen of Garden City, Idaho, was reappointed Director of the Department of Environmental Quality to serve a term commencing January 5, 2015, and expiring January 7, 2019.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Health and Welfare Committee.

February 5, 2015

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gavin Gee of Boise, Idaho, was reappointed Director of the Department of Finance to serve a term commencing January 5, 2015, and expiring January 7, 2019.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Commerce and Human Resources Committee.

February 5, 2015

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jeffery Sayer of Eagle, Idaho, was reappointed Director of the Department of Commerce to serve a term commencing January 5, 2015, and expiring January 7, 2019.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Commerce and Human Resources Committee.

February 5, 2015

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Shane Gehring of Nampa, Idaho, was appointed as a member of the Bingo-Raffle Advisory Board to serve a term commencing January 21, 2015, and expiring January 7, 2018.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

February 5, 2015

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Janet Gallimore of Boise, Idaho, was reappointed State Historic Preservation Officer to serve a term commencing January 5, 2015, and expiring January 7, 2019.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the State Affairs Committee.

February 5, 2015

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Joy Fisher of Moscow, Idaho, was reappointed as a member of the Public Employee Retirement System of Idaho Board to serve a term commencing July 1, 2014, and expiring July 1, 2019.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 6, 2015

Dear Mr. President:

I transmit herewith [H 55](#), [H 42](#), and [H 47](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 55](#), [H 42](#), and [H 47](#) were filed for first reading.

February 6, 2015

Dear Mr. President:

I return herewith [S 1013](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1013](#) was referred to the Judiciary and Rules Committee for enrolling.

February 6, 2015

Dear Mr. President:

I return herewith Enrolled [S 1002](#) and [S 1003](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1002](#) and [S 1003](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Cassandra Jones was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Martin, seconded by Senator Buckner-Webb, the Gubernatorial appointment of Cassandra Jones as the Executive Director of the Commission on Pardons and Parole was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that [SCR 101](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Rice, seconded by Senator Ward-Engelking, [SCR 101](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1051

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO INFORMAL PROBATE AND APPOINTMENT PROCEEDINGS; AMENDING SECTION 15-3-304, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE UNAVAILABILITY OF INFORMAL PROBATE IN CERTAIN CASES AND TO MAKE A TECHNICAL CORRECTION.

S 1052

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO SPENDTHRIFT TRUSTS; AMENDING SECTION 15-7-502, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.

S 1053

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE PROTECTION OF PERSONS UNDER DISABILITY AND THEIR PROPERTY; AMENDING SECTION 15-5-316, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RIGHTS AND POWERS OF GUARDIANS AD LITEM; AND AMENDING SECTION 15-5-435, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RIGHTS AND POWERS OF GUARDIANS AD LITEM.

S 1054

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE UNIFORM RECOGNITION OF SUBSTITUTE DECISION-MAKING DOCUMENTS ACT; AMENDING TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 15, TITLE 15, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR THE VALIDITY OF A SUBSTITUTE DECISION-MAKING DOCUMENT, TO PROVIDE MEANING AND EFFECT OF A SUBSTITUTE DECISION-MAKING DOCUMENT, TO AUTHORIZE RELIANCE UPON A SUBSTITUTE DECISION-MAKING DOCUMENT UNDER CERTAIN CONDITIONS, TO PROVIDE FOR AN OBLIGATION TO ACCEPT A SUBSTITUTE DECISION-MAKING DOCUMENT UNDER CERTAIN CONDITIONS, TO PROVIDE FOR REMEDIES UNDER OTHER LAW, TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION, TO PROVIDE FOR RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT AND TO PROVIDE APPLICABILITY.

S 1055

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT; AMENDING TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 14, TITLE 15, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE APPLICABILITY, TO AUTHORIZE ACCESS BY A PERSONAL REPRESENTATIVE TO A DIGITAL ASSET OF A DECEDENT, TO AUTHORIZE ACCESS BY A CONSERVATOR TO A DIGITAL ASSET OF A PROTECTED PERSON, TO AUTHORIZE ACCESS BY AN AGENT TO A DIGITAL ASSET OF A PRINCIPAL, TO AUTHORIZE ACCESS BY A TRUSTEE TO A DIGITAL ASSET, TO

PROVIDE AUTHORITY FOR A FIDUCIARY UNDER CERTAIN CONDITIONS, TO PROVIDE FOR COMPLIANCE WITH THE UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT FOR CERTAIN PERSONS, TO PROVIDE IMMUNITY FOR A CUSTODIAN, TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION, TO PROVIDE FOR RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT AND TO PROVIDE SEVERABILITY.

S 1056

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO NONPROBATE TRANSFERS; AMENDING CHAPTER 6, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 15-6-403, IDAHO CODE, TO PROVIDE FOR A RIGHT OF SURVIVORSHIP FOR PERSONAL PROPERTY HELD AS COMMUNITY PROPERTY; AND AMENDING CHAPTER 6, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 15-6-404, IDAHO CODE, TO PROVIDE THAT THE RIGHT OF SURVIVORSHIP IS EXTINGUISHED IN CERTAIN INSTANCES.

S 1057

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-303, IDAHO CODE, TO PROVIDE FOR ALTERNATIVE MEETING LOCATIONS.

S 1058

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-707A, IDAHO CODE, TO REMOVE CERTAIN REFERENCES TO BANK DRAFTS AND CHECKS, TO PROVIDE FOR ACCEPTANCE OF ADDITIONAL METHODS OF PERSONAL OR OTHER NONGUARANTEED FORMS OF PAYMENT RELATING TO ASSESSMENTS, TO PROVIDE FOR ENTRY OF THE ASSESSMENT NUMBER ON THE TRANSACTION RECEIPT, TO PROVIDE FOR CERTAIN RECEIPTS UPON REQUEST, TO PROVIDE FOR INVALIDITY OF A RECEIPT IF PAYMENT IS REFUSED BY A FINANCIAL INSTITUTION, TO REVISE PROVISIONS RELATING TO THE REDEMPTION OF FAILED PAYMENTS, TO PROVIDE FOR ADDITIONAL TRANSACTION, PROCESSING AND CONVENIENCE FEES AND TO MAKE TECHNICAL CORRECTIONS.

S 1059

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING CHAPTER 7, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-733, IDAHO CODE, TO PROVIDE FOR SPECIAL ASSESSMENTS TO PAY FOR PHYSICAL STRUCTURES OR OTHER WORK NECESSARY TO PROTECT IRRIGATION DISTRICT FACILITIES FROM HARM CAUSED BY CERTAIN RUNOFF OR DRAINAGE, TO PROVIDE A CONDITION OF ISSUANCE OF SUCH SPECIAL ASSESSMENT, TO PROVIDE FOR THE ASSESSMENT OF INDIVIDUAL LANDS THAT ARE THE SOURCE OF RUNOFF OR DRAINAGE, TO PROVIDE THAT ASSESSMENTS SHALL BE FOR CERTAIN COSTS, TO PROVIDE THAT ASSESSMENTS SHALL BE IN ADDITION TO ASSESSMENTS FOR THE DELIVERY OF

WATER, TO PROVIDE FOR THE APPLICABILITY OF CERTAIN PROVISIONS RELATING TO DELINQUENT ASSESSMENTS AND TO PROVIDE THAT SPECIAL ASSESSMENTS SHALL BE SUBJECT TO REVIEW PURSUANT TO SPECIFIED LAW.

S 1051, S 1052, S 1053, S 1054, S 1055, S 1056, S 1057, S 1058, and S 1059 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 55, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 42, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 47, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 16, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

S 1028, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1024, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Winder, granted by unanimous consent, S 1015 retained its place on the Third Reading Calendar for one legislative day.

S 1021 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Souza arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Werk, Winder. Total - 33.

NAYS—Bair, Cameron. Total - 2.

Total - 35.

Whereupon the President declared S 1021 passed, title was approved, and the bill ordered transmitted to the House.

H 27 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider,

Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Werk, Winder. Total - 35.

Whereupon the President declared [H 27](#) passed, title was approved, and the bill ordered returned to the House.

[H 28](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Werk, Winder. Total - 35.

Whereupon the President declared [H 28](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12 noon until the hour of 11 a.m., Tuesday, February 10, 2015.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary